

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL NO. 1: CR-01-018

v.

GEOVANNI DAVILA

ORDER

The background of this order is as follows:

On December 5, 2006, this court issued an order denying Petitioner's motion filed pursuant to 28 U.S.C. § 2255. Petitioner did not receive this order until January 30, 2006.¹ On February 9, 2006, Petitioner filed a notice of appeal of the December 5, 2005 order. On February 27, 2006, Petitioner filed a motion for an extension of time to file a notice of appeal pursuant to Rule 4 of the Federal Rules of Appellate Procedure. On February 28, 2006, this court issued an order directing the Government to show cause by March 3, 2006, why Defendant's notice of appeal should not be deemed timely filed. On March 3, 2006, the Government filed its response agreeing that Defendant's notice of Appeal should be deemed timely filed. On March 3, 2006, this court issued an order deeming the notice of appeal timely filed.

¹Petitioner was in holdover status in Oklahoma en route to his designated place of confinement.

On June 6, 2006, Defendant filed a document indicating that he was aware of the Government's response but not the court's March 3, 2006 order. On June 19, 2006, Defendant filed another motion for extension of time to file an appeal along with a motion for appointment of counsel.

Defendant is advised that his appeal has been lodged with the Third Circuit Court of Appeals and assigned case number 06-1581. All future documents to be filed by Defendant shall contain the court of appeals docket number and be directed to the Third Circuit Court of Appeals at the following address:

Clerk, U.S. Court of Appeals
for the Third Circuit
21400 U.S. Courthouse
Independence Hall West
601 Market Street
Philadelphia, PA 19106

Accordingly, **IT IS HEREBY ORDERED THAT:**

- 1) Defendant's June 6, 2006, motion (doc. 108) is denied as moot.
- 2) Defendant's June 19, 2006, motion (doc. 109) for extension of time to file an appeal is denied as moot.
- 3) Defendant's request for appointment of counsel shall be directed to the Third Circuit Court of Appeals.

s/Sylvia H. Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: June 20, 2006.